

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KOLLMANN, Fabian, et al.

Serial No: 10/538,554

Examiner: Le, Huyen

Filing Date: January 9, 2006

Group Art Unit: 3751

For: SHOWER SUPPORT

Conf. No. 5082

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Communication accompanies a request for two month extension of time, a Request for Continued Examination (RCE) and the required official fees. Please charge any underpayment or credit any overpayment to Deposit Account 04-1679.

Applicant requests entry and consideration of the amendment filed January 6, 2009 in response to the official action mailed October 7, 2008.

Contrary to the statement in the Advisory Action, applicant's response of January 6 did not change the scope of claims 1 and 22. These claims are claims 8 and 22 in independent form. They were indicated in the official action of October 7, 2008 to be directed to allowable subject matter. The "whereby" clause to which the examiner objected in the official action has been removed, but functional "whereby" clauses do not recite positive claim limitation. Therefore, claims 1 and 22, and the claims depending from them, are allowable.

Applicant agrees that claim 18 as amended on January 6, 2009 did not include all the limitations of a base and intervening claim identified as directed to allowable subject matter. However, claim 18 is allowable for the reasons that are stated in the amendment filed January 6, 2009.

Applicant requests reconsideration and allowance of all the claims that are now pending.

Respectfully submitted,

Date: March 5, 2009

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